

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated August 9, 2005 has been received and its contents carefully reviewed. Claims 1-2, 12-18, 21, 24-26, 28, 30-32, 34-35, 37, 39, 41, 43 and 44 are pending in the application with claims 12-17, 24-26, 30-32, 34-35, 37, 39, 41, and 43-44 being withdrawn from consideration. Reconsideration and withdrawal of the rejections in view of the following remarks are respectfully requested.

In the Office Action, claims 1 and 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,724,454. Applicants respectfully disagree with the rejection and traverse because the double patenting rejection is improper. "Generally, a double patenting rejection is not permitted where the claimed subject matter is presented in a divisional application as a result of a restriction requirement made in a parent application under 35 U.S.C. 121" (MPEP, § 804). The present application is a divisional of application serial number 09/892,879, now Patent No. 6,724,454. A restriction requirement was issued in the parent application on April 2, 2003. As such, Applicants request withdrawal of the rejection.

In the Office Action, claims 1, 2, 18 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,429,914, issued to Kubota et al. (hereafter "Kubota"). Applicants respectfully traverse the rejection because Kubota fails to teach or suggest each and every feature recited in the claims of the present application. In particular, Kubota fails to teach or suggest an in-plane switching liquid crystal display device including, among other features, "the data electrodes having a first transmittance area and the common electrodes having a second transmittance area, wherein the first transmittance area equals the second transmittance area" as recited in independent claim 1 of the present application.

Kubota further fails to teach "an in-plane switching liquid crystal display device having "data electrodes and common electrodes alternately formed in each of said pixel areas and patterned to have the same light transmitting area according to applied voltage" as recited in independent claim 18 of the present application.

Kubota discloses "a composition wherein a polymer dispersion type liquid crystal display panel in a reverse mode is driven with a lateral electric field mode" (col. 20, lines 17-20). However, Applicants submit Kubota fails to teach each of the features recited in independent claims 1 and 18 of the present application. As such, independent claim 1 and its dependent claim 2, and independent claim 18 and its dependent claim 21 are not anticipated by Kubota. Reconsideration and withdrawal of the rejection are respectfully requested.

Applicants believe the foregoing remarks place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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